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| 09/719,111 | 12/08/2000 | Yoshihito Ishibashi | 450108-02586 | 4571 |

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| 20999 7590 03/20/2006 | | EXAMINER | |
| FROMMER LAWRENCE & HAUG | | HOFFMAN, BRANDON S | |
| 745 FIFTH AVENUE- 10TH FL. | | | |
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| | | 2136 | |

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 09/719,111 | ISHIBASHI, YOSHIHITO |
| | Examiner | Art Unit | |
| | Brandon S. Hoffman | 2136 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>22 December 2005</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>9-31</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>9-31</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>12-22-05</u>

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## DETAILED ACTION

1.    Claims 9-31 are pending in this office action.

2.    Applicant's arguments, filed December 22, 2005, have been fully considered but they are not persuasive.

### *Rejections*

3.    The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Claim Rejections - 35 USC § 102*

4.    <u>Claims 9-12, 14-18, and 27-29</u> are rejected under 35 U.S.C. 102(e) as being anticipated by <u>Matsuzaki et al.</u> (U.S. Patent No. 6,289,314).

Regarding <u>claims 9 and 27</u>, <u>Matsuzaki et al.</u> teaches an information processing apparatus/method for controlling transfer of contents from a first information processing apparatus to a destination information processing apparatus comprising:

- Storage means for storing a usage control status (fig. 3, ref. num 252); and

- Judgment means for judging whether transfer of said contents is possible in accordance with said usage control status (col. 15, lines 20-38);

- o **Wherein said usage control status has a registration area storing an ID information (SAM ID) of said destination information processing apparatus, and wherein said judgment means performs the judgment based on said ID information (SAM ID) stored in said registration area** (col. 15, lines 39-61).

Regarding <u>claim 10,</u> <u>Matsuzaki et al.</u> teaches wherein said judgment means judges that transfer of said contents is possible when said ID information comprises the source information processing apparatus ID (fig. 6).

Regarding <u>claims 11 and 28,</u> <u>Matsuzaki et al.</u> teaches an information processing apparatus/method for canceling **a** transfer **of** contents **after** the transfer of contents is performed from a first information processing apparatus to a destination information processing apparatus comprising:

- Storage means for storing a usage control status (fig. 3, ref. num 252); and

- Judgment means for judging whether canceling transfer of said contents is possible in accordance with said usage control status (col. 15, lines 20-38);
  - o **Wherein said usage control status has a registration area storing an ID information (SAM ID) of said destination information processing apparatus, and wherein said judgment means performs the judgment based on said ID information (SAM ID) stored in said registration area** (col. 15, lines 39-61).

Regarding <u>claim 12</u>, <u>Matsuzaki et al.</u> teaches wherein said judgment means judges that canceling transfer of said contents is possible when said ID information comprises destination information processing apparatus ID (fig. 6).


Regarding <u>claims 14 and 29</u>, <u>Matsuzaki et al.</u> teaches an information processing apparatus/method for canceling **a** transfer of contents **after** the transfer of contents is performed from a first information processing apparatus to a destination information processing apparatus comprising:

- Storage means for storing a usage control status (fig. 3, ref. num 252); and
- Judgment means for judging whether canceling transfer of said contents is possible in accordance with said usage control status (col. 15, lines 20-38);
    - **Wherein said usage control status has a registration area storing an ID information (SAM ID) of said destination information processing apparatus, and wherein said judgment means performs the judgment based on said ID information (SAM ID) stored in said registration area** (col. 15, lines 39-61).


Regarding <u>claim 15</u>, <u>Matsuzaki et al.</u> teaches wherein said judgment means judges that canceling transfer of said contents is possible when said ID information comprises the source information processing apparatus ID (fig. 6, Matsuzaki et al. shows source ID as well as destination ID).

Regarding <u>claim 16</u>, <u>Matsuzaki et al.</u> teaches wherein said judgment means

judges whether canceling transfer of said contents is possible when ID information

further stored to the storage area of the destination information processing apparatus in

said usage control status comprises the destination information processing apparatus

ID (fig. 6).


Regarding <u>claim 17</u>, <u>Matsuzaki et al.</u> teaches and information processing system

for canceling **a** transfer of contents **after the** transfer of contents is performed from a

first information processing apparatus to a second information processing apparatus,

said first information processing apparatus comprising:

- First storage means for storing a first usage control status (fig. 3, ref. num

  252/253 and fig. 5/6); and

- First judgment means for judging whether canceling transfer of said contents is

  possible based on said first usage control status (col. 15, lines 20-38);

- Wherein said second information processing apparatus comprises:

- Second storage means for storing a second usage control status (fig. 10, two

  receiving stations); and

- Second judgment means for judging whether canceling transfer of said contents

  is possible based on said second usage control status (fig. 10, two receiving

  stations);

  o **Wherein said usage control status has a registration area storing an**

    **ID information (SAM ID) of said destination information processing**

**apparatus, and wherein said judgment means performs the judgment**

**based on said ID information (SAM ID) stored in said registration**

**area** (col. 15, lines 39-61).

Regarding claim 18, Matsuzaki et al. as modified teaches wherein it is judged

that canceling transfer of said contents is possible when ID information stored to the

storage area of said destination information processing apparatus in first and second

usage control status comprises the first information processing apparatus ID (col. 15,

lines 50-61) and ID information stored to the storage area of said first information

processing apparatus in first and second usage control status comprises the second

information processing apparatus ID (col. 15, lines 50-61).

### Claim Rejections - 35 USC § 103

5.      Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Matsuzaki et al. (USPN '314).

Regarding claim 13, Matsuzaki et al. teaches all the limitations of claim 11,

above.  However, Matsuzaki et al. does not teach wherein said judgment means judges

whether canceling transfer of said contents is possible when ID information further

stored to the storage area of the source information processing apparatus in said usage

control status comprises the source information processing apparatus ID.

The Examiner takes Official Notice that wherein said judgment means judges whether canceling transfer of said contents is possible when ID information further stored to the storage area of the source information processing apparatus in said usage control status comprises the source information processing apparatus ID would have been an obvious modification.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine judging based on ID information stored to the storage area of said source information processing apparatus, to the method/apparatus of Matsuzaki et al. It would have been obvious for such modifications because storing the ID information of the source information processing apparatus in the storage of the source information processing apparatus signifies transferring content to itself. This translates into canceling transferring to the destination information processing apparatus.

Claims 19-24, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuzaki et al. (USPN '314) in view of Christiano (U.S. Patent No. 5,671,412).

Regarding claims 19 and 30, Matsuzaki et al. teaches an information processing apparatus/method for controlling transfer of contents from a first information processing apparatus to a destination information processing apparatus comprising:

- Storage means for storing a usage control status **wherein said usage control status has a registration area storing an ID information (SAM ID) of said destination information processing apparatus** (col. 15, lines 39-49 and fig. 3, ref. num 252);

- Judgment means for judging whether transfer of said contents is possible in accordance with said usage control status (col. 15, lines 20-38); **and**

- **Wherein said judgment means performs the judgment based on said ID information (SAM ID) stored in said registration area** (col. 15, lines 50-61).


Matsuzaki et al. does not teach change means for changing said usage control status based on the result of said judgment means; wherein when said judgment means judges that transfer of said contents is possible, said change means changes registration conditions stored in the storage area of said destination information processing apparatus into **ID information (SAM ID) of said** destination information processing apparatus.


Christiano teaches:

- Change means for changing said usage control status based on the result of said judgment means (fig. 10, ref. num 200 and col. 19, lines 18-35);
    - o Wherein when said judgment means judges that transfer of said contents is possible, said change means changes registration conditions stored in the storage area of said destination information processing apparatus into

**ID information (SAM ID) of said** destination information processing

apparatus (col. 21, lines 53-61).

It would have been obvious to one of ordinary skill in the art, at the time the

invention was made, to combine change means, as taught by Christiano, to the

method/apparatus of Matsuzaki et al. It would have been obvious for such

modifications because the change means correctly controls the distribution of software

to a certain number of computers (1 or more) and only allows that number of computers

to use the software until one of those computer systems releases its use of the software

so another computer may access the software (see col. 7, lines 1-12 of Christiano).

Regarding claim 20, the combination of Matsuzaki et al. in view of Christiano

teaches wherein said information processing apparatus further comprises a transmitting

means, and said transmitting means transmits the changed usage control status to said

destination information processing apparatus (see fig. 10, ref. num 198 and col. 21,

lines 49-53 of Christiano).

Regarding claim 21, Matsuzaki et al. teaches an information processing system

for controlling transfer of contents when the transfer of contents is performed from a first

information processing apparatus to a second information processing apparatus, said

first information processing apparatus comprising:

- Storage means for storing a usage control status (fig. 3, ref. num 252);

- Judgment means for judging whether transfer of said contents is possible based on said usage control status (col. 15, lines 39-61);

- **Wherein said usage control status has a registration area storing an ID information (SAM ID) of said destination information processing apparatus, wherein said judgment means performs the judgment based on said ID information (SAM ID) stored in said registration area** (col. 15, lines 39-61);

- Wherein said second information processing apparatus comprises:

- Receiving means for receiving said usage control status transmitted by said transmitting means (fig. 2, ref. num 32).

Matsuzaki et al. does not teach change means for changing said usage control status based on the result of said judgment means; and transmitting means for transmitting the usage control status changed by said change means to said second information processing apparatus; wherein said change means changes registration conditions stored in the storage area of said destination information processing apparatus into **ID information (SAM ID) of said** second information processing apparatus.

Christiano teaches:

- Change means for changing said usage control status based on the result of said judgment means (fig. 10, ref. num 200 and col. 19, lines 18-35); and

- Transmitting means for transmitting the usage control status changed by said change means to said second information processing apparatus (fig. 10, ref. num 198 and col. 21, lines 49-53);

  o Wherein when said judgment means judges that transfer of said contents is possible, said change means changes registration conditions stored in the storage area of said destination information processing apparatus into **ID information (SAM ID) of said** second information processing apparatus ID (col. 21, lines 53-61).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine change means, and transmitting means, as taught by Christiano, to the method/apparatus of Matsuzaki et al. It would have been obvious for such modifications because the change means and transmitting means correctly controls the distribution of software to a certain number of computers (1 or more) and only allows that number of computers to use the software until one of those computer systems release its use of the software so another computer may access the software (see col. 7, lines 1-12 of Christiano).

Regarding claim 22, the combination of Matsuzaki et al. in view of Christiano teaches wherein said second information processing apparatus further comprises generation means, said generation means for generating the new usage control status for using said second information processing apparatus based on said usage control

status received by said receiving means (see fig. 10, ref. num 25' of Matsuzaki et al.,

the second receiving device contains similar structure, therefore having the terminal

managing portion that generates and stores usage control information).

Regarding claim 23, the combination of Matsuzaki et al. in view of Christiano

teaches wherein said second information processing apparatus further comprises

generation means, said generation means for generating the new usage control status

for using a third information processing apparatus based on said usage control status

change means transmitted by said transmitted means (see fig. 10, ref. num 25' of

Matsuzaki et al., there can be more than two receiving devices as shown in col. 25,

lines 51-61 of Matsuzaki et al.).

Regarding claims 24 and 31, Matsuzaki et al. teaches an information processing

apparatus/method for canceling transfer of contents when the transfer of contents is

performed from a first information processing apparatus to a second information

processing apparatus comprising:

- Storage means for storing a usage control status (fig. 3, ref. num 252);

- Judgment means for judging whether canceling transfer of said contents is

  possible based on said usage control status (col. 15, lines 20-38);

- **Wherein said usage control status has a registration area storing an ID**

  **information (SAM ID) of said destination information processing apparatus,**

**and wherein said judgment means performs the judgment based on said ID information (SAM ID) stored in said registration area** (col. 15, lines 39-61).

Matsuzaki et al. does not teach change means for changing said usage control status based on the result of said judgment means; wherein when said judgment means judges that transfer of said contents is possible, said change means changes registration conditions stored in the storage area of said second information processing apparatus into **ID information (SAM ID) or initial value of said** first information processing apparatus.

Christiano teaches:

- Change means for changing said usage control status based on the result of said judgment means (fig. 10, ref. num 200 and col. 19, lines 18-35);

- Wherein when said judgment means judges that transfer of said contents is possible, said change means changes registration conditions stored in the storage area of said second information processing apparatus into **ID information (SAM ID) or initial value of said** first information processing apparatus (col. 21, lines 53-61).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine change means, as taught by Christiano, to the method/apparatus of Matsuzaki et al. It would have been obvious for such

modifications because the change means correctly controls the distribution of software

to a certain number of computers (1 or more) and only allows that number of computers

to use the software until one of those computer systems releases its use of the software

so another computer may access the software (see col. 7, lines 1-12 of Christiano).


Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Matsuzaki et al. (USPN '314) in view of Christiano (USPN '412), and further in view

of Shimakawa et al. (U.S. Patent No. 6,502,124).


Regarding claim 25, Matsuzaki et al. teaches an information processing system

for canceling **a** transfer of contents **after a** transfer of contents is performed from a first

equipment information processing apparatus to a second information processing

apparatus; said first information processing apparatus comprising:

- First storage means for storing a first usage control status (fig. 3, ref. num 252);

- Judgment means for judging whether canceling transfer of said contents is

  possible based on said first usage control status (col. 15, lines 20-38);

- **Wherein said usage control status has a registration area storing an ID**

  **information (SAM ID) of said destination information processing apparatus,**

  **and wherein said judgment means performs the judgment based on said ID**

  **information (SAM ID) stored in said registration area** (col. 15, lines 39-61);

- Said second information processing apparatus comprising:

- Second storage means for storing a second usage control status (fig. 10, two

  receiving stations);

- Receiving means for receiving said transfer cancel command (fig. 2, ref. num

  32).


Matsuzaki et al. does not teach change means for changing said usage control

status based on the result of said judgment means; and transmitting means for

transmitting a transfer cancel command to said second information processing

apparatus.


Christiano teaches:

- Change means for changing said usage control status based on the result of said

  judgment means (fig. 10, ref. num 200 and col. 21, lines 53-61); and

- Transmitting means for transmitting a transfer cancel command to said second

  information processing apparatus (fig. 10, ref. num 198 and col. 21, lines 49-53);

  - Wherein when said judgment means judges that canceling transfer of said

    contents is possible, said change means changes registration conditions

    stored in the storage area of said second information processing

    apparatus into **ID information (SAM ID) or initial value of said** first

    information processing apparatus (col. 21, lines 53-61).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine change means, and transmitting means, as taught by Christiano, to the method/apparatus of Matsuzaki et al. It would have been obvious for such modifications because the change means and transmitting means correctly controls the distribution of software to a certain number of computers (1 or more) and only allows that number of computers to use the software until one of those computer systems release its use of the software so another computer may access the software (see col. 7, lines 1-12 of Christiano).

Matsuzaki et al. as modified by Christiano still does not teach deletion means for deleting said second usage control status; wherein said deletion means deletes said second usage control status when said receiving means receives said transfer cancel command.

Shimakawa et al. teaches:

- Deletion means for deleting said second usage control status (col. 14, lines 25-27); wherein said deletion means deletes said second usage control status when said receiving means receives said transfer cancel command.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine deletion means, as taught by Shimakawa et al., to the system of Matsuzaki et al. as modified. It would have been obvious for such

modifications because the deletion means informs the information processing apparatus

that the license has been released and a different information processing apparatus can

then use the license.

Regarding claim 26, the combination of Matsuzaki et al./Christiano/Shimakawa et

al. teaches wherein said second information processing apparatus further comprises

reply means, said reply means replaying a signal indicative of said first information

processing apparatus, after said deletion means deleted said second usage control

status, and wherein said change means changes said first usage control status after

receiving said completion signal of deletion (see col. 21, lines 61-67 of Christiano and

col. 14, lines 28-30 of Shimakawa et al.).

## Response to Arguments

6.      Applicant amends claims 9, 11, 14, 17, 19, 21, 24, 25, and 27-31.

7.      Applicant argues that Matsuzaki et al. judges whether the receiving device 21

has qualifications, not whether the terminal 3 has qualifications (page 17, second

paragraph).

Regarding applicant's argument, examiner disagrees.  As shown in the rejection

of the newly added features of the above claims, the terminal managing portion 25,

more particularly, the terminal info storing portion 252, stores qualification information

about the terminal.  Figure 2, reference number 24 is the server interface, which

connects the server to the terminal. In figure 3, reference number 252 is connected to

251, which has output to the terminal. Likewise, figure 3, reference number 251, which

is connected to 252, has input from the terminal. This shows communication paths both

to the terminal from the server and from the terminal to the server.

## *Conclusion*

8.     Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Brandon S. Hoffman whose telephone number is 571-

272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

*Brenda* 

BH

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100